

Planning Committee

Thursday 6 October 2022 at 5.30 pm

Council Chamber, Council House, Walsall

Present:

Councillor M. Bird (Chair)
Councillor Bains
Councillor Bashir
Councillor P. Bott
Councillor Cheema
Councillor Cooper
Councillor Gandham
Councillor A. Hussain
Councillor K. Hussain
Councillor Larden
Councillor Murray
Councillor Nawaz
Councillor Samra
Councillor M. Statham
Councillor Waters

In attendance:

N. Alcock	Solicitor
M. Brereton	Group Manager – Planning
A. Cook	Regeneration Officer
E. Cook	Assistant Democratic Services Officer
C. Dean	Senior Environmental Protection Officer
K. Gannon	Developmental Control and Public Rights of Way Manager
C. Gibson	Regeneration Officer - Trees
N. Gough	Democratic Services Officer
T. Morris	Senior Planning Officer
D. Smith	Senior Legal Executive
S. Wagstaff	Principal Planning Officer

127/22 Apologies

Apologies for absence were submitted on behalf of Councillors B. Allen, A. Harris and G. Perry.

128/22 Declarations of Interest

Cllr Bird informed the Committee that he lived near to the property under consideration at plans list item 3 – 21/0956, however he had no interest to declare. Councillor Bird subsequently advised the Committee that as he knew one of the speakers on this item he would leave the room whilst it was considered and would not participate in the vote.

Cllr K. Hussain declared an interest on plans list item 4 – 21/0804.

129/22 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

130/22 **Minutes of previous meetings**

The Committee considered the minutes of the previous meeting.

Resolved:

That the minutes of the meeting held on 8 September 2022, a copy having been previously circulated to each member of the Committee, be approved and signed as a true record.

131/22 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved:

That there were no items in the private session.

132/22 **Application to Remove one protected lime tree at 4 Carrick Close, Pelsall, Walsall, WS3 5BE**

The Regeneration Officer introduced the report of the Head of Planning and Building Control. An overview was provided, including the location, images of the tree and the justification for the decision to refuse. The reasons for refusal are that the tree is healthy and that the claimed detrimental effect of the tree on amenities are natural factors of a tree and have limited effects.

Responding to questions the Regeneration Officer confirmed that there is no evidence of root damage and that the lime is a native tree.

It was moved by Councillor Bird and seconded by Councillor Murray and upon being put to the vote, it was;

Resolved (unanimously):

That Planning Committee:

1. Refuse consent for the works as specified in the application, to fell Lime T1, for the reasons set out by Officers in the report;

2. Grants consent for a crown lift of Lime T1 to give 4.5 metres clearance above ground level and to crown thin by 30%, subject to the following conditions:
 - a. All tree surgery shall be carried out by a person who is appropriately insured and competent in such operations, to ensure satisfactory standard of work;
 - b. All tree surgery work shall be in accordance with British Standard 3998: 2010 "Tree Work – Recommendation". To ensure satisfactory standard of work;
 - c. This permission expires 2 years from the date of this decision and any works not undertaken by the date of expiry shall be the subject of a further application, in order to give the Local Planning Authority an opportunity of reassessing the condition of the tree in the event of the works not being carried out.

133/22 **Confirmation with modifications of tree preservation order no. 06 of 2022 at 25 to 27 Little Aston Road, Aldridge, Walsall, WS9 0NP**

Councillor Bashir arrived during consideration of this item and took no part in proceedings.

The Regeneration Officer introduced the report of the Head of Planning and Building Control. It was noted that the incorrect title address had been given on the agenda and in the officer's report. An emergency tree preservation order (TPO) was put in place covering 5 individual trees and others in the land of 25 and 27 Little Aston Road, following requests from residents related to the ongoing removal of trees on the site. Two letters had been received against the TPO and 1 letter and a 35-signatory petition had been received in support of the TPO.

There was one speaker against the application, Ms Sarah Hargreaves (resident of 27 Little Aston Road), and one against the application, Ms Rebecca Watson (representing her parents, residents of Branton Hill Lane).

Ms Hargreaves explained that the garden at number 27 was overgrown and as a result it was difficult to sell the property. She stressed that it was a garden, not a nature reserve and the responsibility of maintaining the garden lay with the property owners. Local residents had previously requested for the largest sycamore to be cut back due to safety concerns. The current TPO was too all-encompassing.

Ms Watson explained that a 2005 planning inspection had identified that the trees made a significant contribution to the local area and that now it was an even more magnificent visual amenity. Many local residents were elderly and at home lots of the time, benefitting from this amenity. It was a shame no ecological report was done prior to works commencing she believed there to be a large group of bats living in the trees. The trees were also valuable for the climate.

There followed questions to speakers. Ms Hargreaves explained that very high winds had forced work to be paused and therefore, if not for the wind, the trees would have been removed prior to the TPO. It was explained that an application for a TPO had not been previously made as there was not a perceived threat to the trees.

There then followed a period of questioning to officers. The Regeneration Officer explained that emergency TPOs were rare but were used if urgent decisions were required, to give provisional protection and allow time for representations to be received. Most emergency TPOs were upheld. Group TPOs were not particularly rare. Usually TPOs were made following development applications or via concerned residents, but there was not a proactive survey of all trees in the Borough. Enforcement could be employed if TPOs were not followed and while the responsibility for trees lay with the land owner, planning permission was required for any interferences. The TPO was applied to numbers 25 and 27 as this was where the expediency existed. An explanation was given about the TEMPO assessment procedure, in response to a concern as to the efficacy of the procedure being overly dependent on 'expediency'.

It was moved by Councillor Gandham and seconded by Councillor Bird and upon being put to the vote, it was;

Resolved (12 in favour, 1 against):

That Planning Committee modify the Tree Preservation Order No. 06 of 2022 to allow the removal of the two sycamore trees identified as T1 and T2 in the report, and to protect the remainder of the trees under the order.

Councillor Bird left the room for the next item and Cllr M. Statham took the chair.

134/22

Plans List Item 3 – 21/0956 – 20 Charlemont Road, Walsall, WS5 3NG

The Senior Planning Officer introduced the report of the Head of Planning and Building Control. An overview of the application was provided, including aerial views and area plans. Some neighbouring properties had two-storey extensions and there had been light-related objections, but nearest affected properties were not habitable. There had been amendments and conditions applied following objections. Fall-back permitted development rights had been taken into consideration.

There was one speaker against the application, Dr Agrawal of 3 Charlemont Close. Dr Agrawal raised concerns that the outbuilding was too close to her property, and would block light and air flow. The gap between the fence and outbuilding would provide a burglary risk and that the outbuilding may not be used as a gym, but as a cricket area. Responding to questions, Dr Agrawal explained that privacy would be compromised as they would now face a brick wall and windows.

There followed questions to officers. The officer confirmed that there was no evidence received of negative air quality impacts nor any police objections. The proposed outbuilding elevation facing 3 Charlemont Close had no windows, was 7m from the boundary fence and 11m from the neighbouring property. Neither that, nor the facing building at 3 Charlemont Close had facing habitable rooms. No work contravening planning restrictions had yet taken place and the proposal was in keeping with the street scene, as most work was to the rear of the property and there were other properties locally with modernised appearances. As the proposal was a modification rather than a new development, there were no mandatory energy efficiency requirements.

It was moved by Councillor Statham and seconded by Councillor Gandham and upon being put to the vote, it was;

Resolved (11 in favour, 2 against):

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 21/0956 subject to conditions and subject to:

1. No new material considerations being received within the consultation period.
2. The amendment and finalising of conditions.
3. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Councillor Bird returned to the room and re-took the Chair. It was confirmed by the speakers on plans list item 5 – 22/0229 – 30 Lake Avenue, Walsall, WS5 3PA, that he had not discussed the item with them whilst out of the Chamber.

135/22

Plans List Item 5 – 22/0229 – 30 Lake Avenue, Walsall, WS5 3PA

The Principal Planning Officer introduced the report of the Head of Planning and Building Control. An outline of the proposals was given including the area plan, existing elevations and proposed elevations. The existing two-storey extensions was approved in 1989, prior to the current development plan. A previous similar application was refused due to harm to visual amenities. The current proposal had not altered the distance from the neighbouring window or adherence to the 45 degree code and would reduce natural light.

There were two speakers against the application, Mrs Barbara Clarke and Mr Dennis Clarke, and one speaker in support of the application, Mr Zulfiqar. Mrs Clarke explained that loss of light was the biggest issue, with the side-facing window being the only window in a living room and this was already being affected by reduced light due to a historic extension. Mr Zulfiqar claimed that planning officers had not followed current policy

correctly as the affected window was side-facing and therefore the 45 degree code did not apply. Furthermore, the window was already facing a gable end.

There followed questions to speakers and then officers. Mr Zulfiqar explained that the applicant hoped to move elderly family into the property in the future and the extra space was required in case this did happen. The Chair clarified that Members had to consider the plans before them, not a hypothetical future situation. Officers explained that there would be a detrimental effect to light in the neighbouring property's habitable room and that the 45-degree code does apply. Furthermore, the 45-degree code was only part of the consideration for the impact on light, with proximity also being an issue. The separation between the window and existing wall was 3.6m. In the local area, at least 6m would be required if planning application was requested, as side-facing windows were a feature.

During debate, some members raised concerns that with minor adjustments the 45-degree code could be met and therefore it may be approved in future, wasting officers' time. Members were reminded that they were considering the proposal laid out in the application, not a hypothetical future application.

Resolved (8 in favour, 6 against):

That Planning Committee refuse planning permission for application 22/0229 for the reasons set out in the officer's report.

136/22

Plans List Item 1 – 21/1639 – Land West of Moat Farm, Sutton Road, Walsall, WS9 0QL

The Committee received the report of the Head of Planning and Building Control. Clarity was requested regarding concerns relating to parking. The Developmental Control and Public Rights of Way Manager explained that it was unlikely there would be more than four drivers looking to use the parking spaces at any given time and that the drive entrance had been widened to 5m to allow passing. Traffic management confirmed there had been no issues at a similar site. Removal of waste from the proposed site would be the responsibility of the property owner.

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 21/1639 subject to conditions, as set out in the officer's report.

137/22 **Plans List Item 2 – 20/1401 – Boundary Court, Boundary Road, Streetly, Walsall, B74 2JR**

The item was removed from the Planning Committee agenda prior to the meeting. The planning application has been formally withdrawn by the applicant/agent and no decision will therefore be made on this application.

138/22 **Plans List Item 4 – 21/0804 – 74 Mellish Road, Walsall, WS4 2EB**

The item was removed from the Planning Committee agenda prior to the meeting at the applicant's request.

Termination of meeting

There being no further business, the meeting terminated at 7:48 pm.

Signed

Date